

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

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| BAJIT KAUR, |) | CV F 05 276 OWW DLB |
| |) | |
| |) | |
| Plaintiff, |) | ORDER RE CDCR'S EX PARTE |
| |) | APPLICATION FOR EXTENSION OF TIME |
| v. |) | Doc. 159 |
| |) | |
| ALAMEIDA, et al., |) | |
| |) | |
| |) | |
| Defendants. |) | |

On June 11, 2007, the California Department of Corrections and Rehabilitation ("CDCR") filed an Ex Parte Application for an Extension of Time to Comply with the Court's Order regarding plaintiffs' application for Orders to Show Cause. The Court held a hearing on June 14, 2007. Catherine Campbell, Carolyn Phillips and Robert Navarro appeared on behalf of plaintiffs. Peter Hirsig appeared on behalf of CDCR.

Background

On May 23, 2007, the Court granted plaintiffs' application for an Order to Show Cause in part and ordered CDCR to comply with subpoenas issued May 18, 2006 and October 11, 2006. CDCR was ordered to produce documents responsive to request numbers 2, 24, 27, 29, 30, 36, 37 and 42. The Court order also provided, "CDCR may redact any and all personal information including but not limited to social security numbers, home addresses, telephone numbers, family information and background information of defendants or any other employees or inmates who

1 are not parties to this action.”

2 On June 11, 2007, CDCR filed the instant application for an extension of time to comply
3 with the Court’s Order. Plaintiffs filed an opposition to the application on June 11, 2007 and a
4 supplement to their opposition on June 12, 2007. CDCR requests an extension of time until
5 August 13, 2007 to comply with the Court’s Order. In addition, CDCR requests an in camera
6 review of the log books CDCR has been ordered to produce. Plaintiffs oppose the request
7 arguing that the documents are in the possession of the Internal Affairs Investigator or his
8 attorney Mr. Hirsig.

9 *Extension of time to Produce Log Books*

10 At the hearing, it was clarified that CDCR seeks an extension of time to produce the log
11 books which are not in the possession of Mr. Finch. Accordingly, CDCR is ordered to produce
12 all documents seized or obtained by Special Agent Jeff Finch as part of his Internal Affairs
13 investigation, including the five (5) log books, within 10 days of this order. CDCR may redact
14 personal information as described in the Court’s May 23, 2007 Order, however, CDCR may not
15 redact inmate names or CDC numbers as this information is covered by the Stipulated Protected
16 Order.

17 CDCR shall continue to search for additional log books covered by the May 23, 2007
18 Order. Within 20 days of this Order, CDCR shall submit a status report to the Court detailing
19 efforts to locate additional log books, including the names of the individuals conducting the
20 search. Once located, the log books shall be made available to plaintiffs’ counsel for review in
21 Bakersfield. Plaintiffs’ counsel may have copies made of any pages they consider relevant.

22 *Video Taped Interviews*

23 CDCR has produced CD’s of Internal Affairs interviews with staff members. Plaintiffs
24 represent that seven (7) of the CD’s are blank. Plaintiffs shall take the further depositions of Mr.
25 Finch and Steve Almageur in Fresno, California on this subject. Mr. Finch shall bring to the
26 deposition the original taped interviews and the recorder used in the interviews.

27 *Tour of SATF*

28 CDCR shall produce copies of the videotapes and photographs of the second tour of

1 SATF on or before June 21, 2007.

2 Failure to comply with this Order will result in the imposition of sanctions which may
3 include monetary sanctions and/or the institution of civil contempt proceedings.

4 IT IS SO ORDERED.

5 **Dated: June 14, 2007**

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE